

ORDINANCE NO. 2020-01
TOWNSHIP OF GREEN, COUNTY OF SUSSEX, STATE OF NJ

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF GREEN, SECTIONS 30-50.3 AND 30-82.18, TO PERMIT MEDICAL MARIJUANA CULTIVATION AND MANUFACTURING AS A CONDITIONALLY PERMITTED USE IN THE AI-10 ZONE

BE IT ORDAINED by the Township Committee of the Township of Green that Chapter 30 of the Revised General Ordinances of the Township of Green, being the Zoning Chapter, shall be and is hereby amended to allow medical marijuana cultivation and manufacturing as a conditionally-permitted use in the AI-10 Zone, as follows:

Section 1. Section 30-4.a, Definitions, shall be revised by addition of the following:

Medical Marijuana Cultivation shall mean the planting, propagating, cultivating, growing, harvesting, labeling, or storing of medicinal marijuana as permitted by the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq., and as defined by N.J.A.C. 8:64-1.2, as may be amended.

Medical Marijuana Manufacturing shall mean compounding, making, and processing medicinal marijuana in all forms, as permitted by the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq., and as defined by N.J.A.C. 8:64-1.2, as may be amended.

Section 2. Section 30-50.3, Conditional Uses, shall be revised by addition of a new subparagraph 30-50.3(h) as follows:

(h) Medical Marijuana Cultivation and Manufacturing, in the AI-10 Zone only, subject to the requirements of Section 30-82.18.

Section 3. A new Section 30-82.18, Medical Marijuana Cultivation and Manufacturing shall be adopted as follows:

30-82.18 Medical Marijuana Cultivation and Manufacturing in the AI-10 Zone only

- (a) Minimum lot size: Fifteen (15) acres
- (b) Access and Setback: Access shall be provided via a driveway located on a County road, with all growing, production and/or manufacturing structures setback a minimum of four hundred (400') feet from the road.
- (c) Landscaped Buffer: A minimum landscaped buffer at least one hundred (100') feet in width shall be established and maintained, adjacent to any County road. In addition, a landscaped buffer shall be required in the event that there is not a natural buffer between the property and any dwelling unit such natural buffer to be consistent with Township Ordinance 30-15(c)(5) and 30-17.3C, Landscape Standards;
- (d) Fencing: All structures utilized for any cultivation or manufacturing shall be enclosed by a fence at least seven (7') feet high.
- (e) Security: All structures shall be designed, using safety and security barriers, to prevent the unlawful and unauthorized entry into the structures.

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- a. 24-hour human security shall be provided on site.
 - b. There shall be no direct sales to the public on site.
 - c. There shall be controlled access to the site, with on-site video monitoring.
- (f) Maximum number of buildings/structures: Ten (10).
- (g) Structures/buildings: All buildings and structures utilized for Medical Marijuana Cultivation and Manufacturing operations shall not have sides of such building or structure made of a glass or other transparent or translucent material. Hoop greenhouses are not permitted. Maximum building/structure height: Thirty-five (35') feet.
- (h) Compliance: All cultivation and manufacturing shall be in compliance with all applicable New Jersey State requirements, licenses and permits. All medical marijuana grown shall be cultivated organically, in accordance with USDA certification requirements.
- (i) Noise: All Medical Marijuana Cultivation and Manufacturing operations shall operate in compliance with State and local noise laws and regulations.
- (j) Odor: All Medical Marijuana Cultivation and Manufacturing operations shall utilize available technology to recirculate air, so that odors are not emitted outside of any structure(s).
- (k) Location: All Medical Marijuana cultivation and manufacturing buildings shall be located at least four hundred (400') feet from the nearest dwelling on another lot, and a minimum of one thousand (1,000) feet from a school building.
- (l) AI-10 Zone Requirements: All newly constructed Medical Marijuana Cultivation and Manufacturing structures shall abide by all setback and Code requirements in effect for the AI-10 Zone.
- (m) Generator: All Medical Marijuana Cultivation and Manufacturing operations shall have a backup generator, which shall maintain all operating, manufacturing and electronic security systems in the event of a power failure.
- (n) Signs: Medical Marijuana Cultivation and Manufacturing operations shall only be permitted to have one sign, a maximum of 24 square feet in size, displaying the site address only.
- (o) Lighting: No light generated by any Medical Marijuana Cultivation and Manufacturing structures shall result in measurable light changes at the nearest property boundary to each structure. Interior light shades may be required by the Board on greenhouse structures to manage potential lighting impacts. Lighting shall be subject to a Township Engineer night lighting test.
- (p) Required Plans: Any Medical Marijuana Cultivation and Manufacturing operation shall prepare and submit as part of its Land Use Board application a Safety and Security Plan, including an Emergency Plan and Hazardous Materials Inventory.
- (q) Parking: The parking requirements for a Medical Marijuana Cultivation and Manufacturing operation shall be one (1) space for each five hundred (500) square feet of floor area.

Section 4. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

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Section 5. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

Section 6. The Township Clerk is directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Township Clerk is further directed to refer this Ordinance to the Township Land Use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Section 7. This Ordinance shall take effect after publication and passage according to law.

NOTICE

The above entitled Ordinance was introduced and passed at first reading by the Green Township Committee at a meeting held on January 6, 2020, and after publication and a public hearing was finally adopted by the Green Township Committee at a meeting held on _____, 2020.

ATTEST:

TOWNSHIP OF GREEN,
IN THE COUNTY OF SUSSEX

Mark Zschack, Township Clerk

Margaret "Peg" Phillips, Mayor

Record of Vote - Introduction:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip		√	√			
Mr. Conkling	√		√			
Mr. Qarmout			√			
Mrs. Raffay			√			
Mrs. Phillips			√			

Record of Vote - Adoption:

	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Chirip						
Mr. Conkling						
Mr. Qarmout						
Mrs. Raffay						
Mrs. Phillips						

INTRODUCED: January 6, 2020
ADOPTED:

ADVERTISED:
ADVERTISED: